

ROMANIAN GOVERNMENT

GOVERNMENT DECISION no. 992/25.08.2005 (OJ no 822/12.09.2005) On limitation of the use of certain hazardous substances in electrical and electronic equipment

In accordance with the provisions of art. 108 from Romanian Constitution, republished and art. 1 paragraph 2 letter d) of Government Emergency Ordinance no 78/2000 on waste regime, approved with changes and amendments by the Law no. 426/2001,

Romanian Government issues the present decision:

Art. 1

The purpose of the present Government Decision is to limitate of the use of certain hazardous substances in electrical and electronically equipment to contribute to the protection of human health and the environmentally sound recovery and disposal of waste electrical and electronic equipment.

Art. 2

- (1) This GD shall apply to electrical and electronic equipment falling under the categories 1, 2, 3, 4, 5, 6, 7 and 10 set out in Annex IA to GD 448/2005 on waste electric and electronical equipment and to electric light bulbs, and luminaires in households.
- (2) This GD shall apply without prejudice to national legislation on safety and health requirements and specific national waste management legislation.
- (3) This GD does not apply to spare parts for the repair, or to the reuse, of electrical and electronic equipment put on the market before date of accession to EU.

Art. 3

- (1) For the purposes of this GD, the following definitions shall apply:
 - a) "**electrical and electronic equipment**" or "**EEE**" means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields falling under the categories set out in Annex IA to GD 448/2005 on waste electric and electronical equipment and designed for use with a voltage rating not exceeding 1 000 volts for alternating current and 1 500 volts for direct current;
 - b) "**producer**" means any physical or juridical person who, irrespective of the selling technique used, including by means of distance communication in accordance with

Government Ordinance no 130/2000 on juridical regime of distance contracts, approved by Law no 51/2003:

- (i) manufactures and sells electrical and electronic equipment under his own brand,
- (ii) resells under his own brand equipment produced by other suppliers, a reseller not being regarded as the 'producer' if the brand of the producer appears on the equipment, as provided for in subpoint (i), or
- (iii) imports or exports electrical and electronic equipment on a professional basis into or out of Romania.

(2) The physical or juridical person which provides financing under or pursuant to any finance agreement shall not be deemed a "producer" unless he also acts as a producer within the meaning of paragraph 1 letter (b).

Art. 4

(1) Beginning to the data of accession to the EU, Romania shall ensure that new electrical and electronic equipment put on the market does not contain lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE).

(2) Provisions of point (1) shall not apply to the applications of lead, mercury and hexavalent chromium listed in the Annex of this GD.

Art. 5

The following facts shall constitute offences and shall be penalized with a fine from 7.500 RON to 10.000 RON for violating the provisions of Art. 4 paragraph (1).

Art. 6

(1) The ascertaining of the offences and the enforcement of the penalties from art. 5 shall be made by the empowered personnel of Hazardous Chemical Substances National Agency.

(2) The provisions of the Governmental Ordinance no. 2/2001 on legal regime of minor offences, with changes and subsequent amendments, are applicable to the offences set out at art.5.

Art. 7

This Governmental Decision shall enter into force to the data of accession to the EU.

This Governmental Decision transposes the Council Directive no. 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment, published in Official Journal of the EU no. L037/13.02.2003

ANNEX

Applications of lead, mercury, cadmium and hexavalent chromium, which are exempted from the requirements of Article 4(1) from this GD

1. Mercury in compact fluorescent lamps not exceeding 5 mg per lamp.
2. Mercury in straight fluorescent lamps for general purposes not exceeding:
 - halophosphate 10 mg
 - triphosphate with normal lifetime 5 mg
 - triphosphate with long lifetime 8 mg.
3. Mercury in straight fluorescent lamps for special purposes.
4. Mercury in other lamps not specifically mentioned in this Annex.
5. Lead in glass of cathode ray tubes, electronic components and fluorescent tubes.
6. Lead as an alloying element in steel containing up to 0,35 % lead by weight, aluminium containing up to 0,4 % lead by weight and as a copper alloy containing up to 4 % lead by weight.
7. — Lead in high melting temperature type solders (i.e. tin-lead solder alloys containing more than 85 % lead),
 - lead in solders for servers, storage and storage array systems (exemption granted until 2010),
 - lead in solders for network infrastructure equipment for switching, signalling, transmission as well as network management for telecommunication,
 - lead in electronic ceramic parts (e.g. piezoelectronic devices).
8. Cadmium plating except for applications banned under GD 347/2003 on restriction of the use of certain hazardous substances and preparation.
9. Hexavalent chromium as an anti-corrosion of the carbon steel cooling system in absorption refrigerators.